

## **REMARKS**

Claims 1 – 4 and 10 – 13 are now pending in the application. Claim 12 has been amended and new Claim 13 has been added. Support can be found for Claims 12 and 13 throughout the specification and drawings and specifically in paragraphs [0023] and [0025] as originally filed. Therefore, no new matter has been added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 112**

Claim 12 stands rejected under 35 U.S.C. § 112, first and second paragraph. Claim 12 as amended now relates to plastic dunnage molded to a supporting back that is coupled to the rack. As such, the rejection of claim 12 is now moot.

### **REJECTION UNDER 35 U.S.C. § 103**

#### *Claims 1 – 4*

Claims 1 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Foulke et al. (U.S. Pat. No. 4,493,606, hereinafter Foulke) in view of Hayashi et al. (Japanese Pat. No. 8-96471, hereinafter Hayashi) and Cota (U.S. Pat. No. 4,993,559). Claim 2 is rejected for the above reasons and in further view of Housenfeld et al. (U.S. Pat. No. 4,702,667). Claim 4 is rejected for the above reasons and in further view of Becicka et al. (U.S. Pat. 5,098,254). These rejections are respectfully traversed.

With respect to Claim 1, Cota (alone or in combination with Foulke and/or Hayashi) fails to show, teach or suggest dunnage. Dunnage is defined as:

(1) Mats, boughs, pieces of wood or other loose materials placed under or among goods carried as cargo in the hold of a ship to keep them dry and to prevent their motion and chafing (2) temporary blocking or bracing installed by the shipper in the hold of a ship, in a railroad car, or in a truck to protect freight during shipment (3) cushioning or padding used in a shipping container to protect fragile articles against shock and breakage (4) baggage or personal effects (5) lumber below the recognized merchantable grades. Webster's Third New International Dictionary Unabridged (Merriam-Webster 1993).

As best understood by the Applicant, Cota does not employ dunnage. The Examiner incorrectly asserts that "Cota shows a wafer carrier wherein side and bottom rails include dunnage 62, 68 (figures 5, 6) which prevents damage to the wafers [30]." Figures 5 and 6 are below-provided for reference.

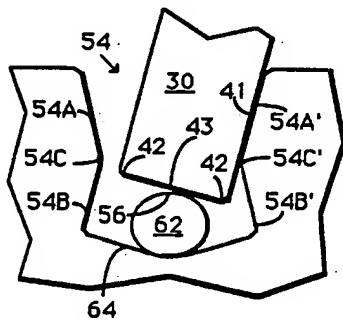


Figure 5 from Cota

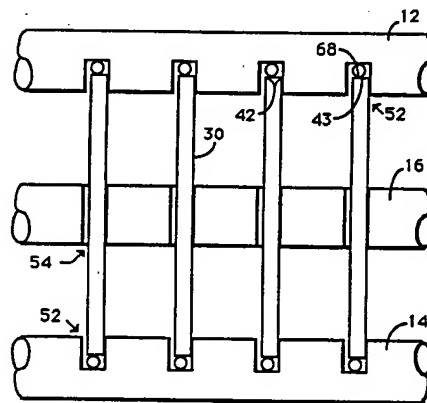


Figure 6 from Cota

Applicant respectfully submits that a quartz rod 62 and a convex surface 68 integrally formed with the wafer carrier (i.e., made of quartz, the same material as the wafer carrier) is not dunnage as used by Applicant. (Column 6, Lines 20 – 53). The quartz rod 62 and the quartz convex surface 68 do not provide cushioning or padding in a shipping container to protect fragile articles against shock and breakage. While the quartz rod 62 and the quartz convex surface 68 may position the semiconductor wafers 30 to avoid damaging contact with the walls of the wafer carrier, quartz does not provide

cushioning or padding. Moreover, the quartz wafer carrier and its components need to survive high temperature processing (in excess of 800° Celsius). Dunnage (using any of the above definitions) would incinerate in such an environment.

For the foregoing reasons, Applicant submits that Claim 1 is allowable. Claims 2, 3 and 4 depend on claim 1 and are therefore allowable for at least similar reasons.

#### *Claims 10 and 11*

Claims 10 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Foulke in view of Cota and Housenfeld. This rejection is respectfully traversed.

Applicant respectfully submits that Claim 10 is allowable for at least similar reasons as those stated above for Claim 1. Claim 11 depends on Claim 10 and is therefore allowable for similar reasons.

#### *Claim 12*

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Foulke in view of Cota, Housenfeld and Kos (U.S. Pat. No. 5,255,797). This rejection is respectfully traversed.

With respect to amended Claim 12, Kos (alone or in combination with Foulke, Cota and/or Housenfeld) fails to show, teach or suggest side and bottom dunnage having slots for receiving individual assemblies. As best understood by the Applicant, Kos has cushioning fingers located in slots. In other words, the cushioning fingers do not have slots. Moreover, the cushioning fingers in Kos contact the edge of the wafer to

bias the wafer into position. As such, the wafers are not received by the slots because the cushioning fingers are devoid of any such slots. (Kos, Column 3, Lines 49 – 67).

Applicant also notes that Kos is not properly combined with Foulke, Cota and/or Housenfeld under 35 U.S.C. § 103. Specifically, if the cushioning fingers of Kos were combined with the quartz basket of Foulke, the cushioning fingers would be incinerated when the quartz basket is exposed to the 800° Celsius furnace, as disclosed in Foulke. The Examiner's proposed combination improperly takes the teachings of the references out of context and would result in an inoperable device. See *In re Gordon*, 221 USPQ 1125, 1127 (Fed. Cir. 1984) (finding no suggestion to modify a prior art device when the modification would render the device inoperable for its intended purpose).

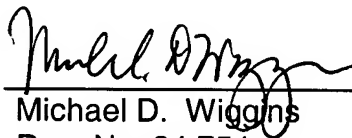
For at least the foregoing reasons, Applicant submits that Claim 12 is allowable.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed or accommodated. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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